

JS 44C/SDNY  
REV. 7/2012

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Bernard L. Madoff Investment Securities LLC

## DEFENDANTS

S&amp;P Associates General Partnership, P&amp;S Associates General Partnership and Anne Del Casino, Claimants

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David J. Sheehan, Baker & Hostetler LLP, 45 Rockefeller Plaza  
New York, NY 10111

## ATTORNEYS (IF KNOWN)

Helen Davis Chaffman, Becker & Pollakoff LLP, 45 Broadway, 8th Floor  
New York, NY 10006CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Motion to withdraw the bankruptcy reference pursuant to 28 U.S.C. § 157(d)

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐08-1789 - # 4958 8/2/12  
8/9/12

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 610 AGRICULTURE
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 620 OTHER FOOD & DRUG
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 630 LIQUOR LAWS
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 640 RR & TRUCK
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 650 AIRLINE REGS
<input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 385 PRISONER PETITIONS	<input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS' BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 680 OTHER
<input type="checkbox"/> 180 STOCKHOLDERS SUITS	<input type="checkbox"/> 380 OTHER PERSONAL INJURY	<input type="checkbox"/> 530 HABEAS CORPUS	<b>LABOR</b>
<input type="checkbox"/> 190 OTHER CONTRACT	<b>ACTIONS UNDER STATUTES</b>	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS
<input type="checkbox"/> 198 FRANCHISE	<input type="checkbox"/> 442 EMPLOYMENT	<b>PRISONER CIVIL RIGHTS</b>	<input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT
<b>REAL PROPERTY</b>	<input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 740 RAILWAY LABOR ACT
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 565 PRISON CONDITION	<input type="checkbox"/> 790 OTHER LABOR LITIGATION
<input type="checkbox"/> 220 CONDEMNATION	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<b>IMMIGRATION</b>	<input type="checkbox"/> 791 EMPL RET INC SECURITY ACT
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 452 NATURALIZATION APPLICATION	<input type="checkbox"/> 453 HABEAS CORPUS- ALIEN DETAINEE OTHER IMMIGRATION ACTIONS
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS (Non-Prisoner)		
<input type="checkbox"/> 245 TORT PRODUCT LIABILITY			
<input type="checkbox"/> 280 ALL OTHER REAL PROPERTY			

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Jed S. Rakoff DOCKET NUMBER 12-MC-115Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC  
c/o Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

S&P Associates General Partnership, P&S Associates General Partnership and Anne Del Casino  
c/o Becker & Poliakoff LLP  
45 Broadway, 8th Floor  
New York, NY 10006

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

☒ YES (DATE ADMITTED Mo. 12 Yr. 1978 )

RECEIPT #

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Civil Cover Sheet Addendum: Explanation of Relatedness

Movants submit that this case is related to an action pending in this Court before Judge Rakoff and arising out of the liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act ("SIPA"). The action is *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, No. 12-MC-0115 (JSR) in which Judge Rakoff has withdrawn the bankruptcy reference and is currently considering whether BLMIS customers' substantive non-bankruptcy claims, such as claims for interest on their investments, constitute "value" under 11 U.S.C. § 548(e). The central issue in this case --whether BLMIS customers with allowed claims are entitled to receive interest on their investments -- is directly related to the issue pending in *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, No. 12-MC-0115 (JSR).